IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 18th day of September, 2006
First Bail Application No. 671 of 2006

Criminal Side

Shayam Sunder Nainwal
S/o Sri Khadak Singh Nainwal
R/o village Kapore
P.O. Lamgara
District Almora
At present-Jailor
District Jail, Nainital. …….. Applicant

Versus

State of Uttaranchal ……. Opposite Party

Arising out of Crime No. 710 of 2006
Under Sections: 222, 223, 225, 307, 120 B I.P.C.
P. S.: Tallital
District: Nainital.

Hon'ble Prafulla C. Pant, J.

Heard Shri R.S. Sammal, learned counsel for the applicant and learned A.G.A. for the State.

Applicants- Shyam Sunder, who are in jail in connection with crime No. 710 of 2006 under Section 222, 223, 225, 307, 120 B I.P.C. P. S. Tallital, District Nainital, has sought his release on bail.

The applicant is not named in the First Information Report. He is a public servant (Jailor). His name figures in the report submitted by Sub Divisional Magistrate, on enquiry, in which it is mentioned that the conduct of the applicant is suspicious. The three detenues, who made their escape good by breaking the jail are alleged to have fled after three of their associates, attacked the jail premises by using fire arms. It is also not disputed that the three escaped detenues have chased by the police on the report from the jail official and were killed in the encounter. There appears no

allegation, as against the applicant regarding the fact that he has attempted to commit murder of anyone.

In the facts and circumstances of the case, without expressing any opinion as to the final merits of the case, the applicant deserves bail. Let the applicant be released on bail on executing personal bond and furnishing two sureties, each of the like amount to the satisfaction of the Chief Judicial Magistrate Nainital.

(Prafulla C. Pant, J.)

Dt. 18.09.2006
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